

VZCZCXRO3351
RR RUEHBC RUEHDIR RUEHIHL RUEHKUK
DE RUEHGB #4006/01 3571457
ZNY SSSSS ZZH
R 221457Z DEC 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC 0976
INFO RUCNIRA/IRAN COLLECTIVE
RUCNRAQ/IRAQ COLLECTIVE
RHMFISS/HQ USCENTCOM MACDILL AFB FL
RUEKJCS/SECDEF WASHINGTON DC

S E C R E T SECTION 01 OF 07 BAGHDAD 004006

SIPDIS

E.O. 12958: DECL: 12/20/2018
TAGS: PTER PHUM PINR PREF PREL IZ IR
SUBJECT: GOI TO ASSUME REPONSIBILITY FOR CAMP ASHRAF
JANUARY 1; SECURITY TRANSITION BEGINS

BAGHDAD 00004006 001.2 OF 007

Classified By: Political Military Minister Counselor Michael H. Corbin for reasons 1.4 (b) and (d)

¶11. (U) This is an action request. Please see para 16.

¶12. (S) SUMMARY. National Security Advisor (NSA) Dr. Mowaffak al-Rubaie led a joint GOI-USG delegation to Camp Ashraf December 20 to discuss the assumption of security responsibility for the camp, home to over 3000 Mujahedin e-Khalq (MEK) members in Iraq. Commanding General Multinational Corps - Iraq (MNC-I) LTG Lloyd Austin led the U.S. delegation for the meeting. Dr. al-Rubaie noted emphatically that while the GOI would assume security responsibility as of January 1, the physical security transition from Multinational Force - Iraq (MNF-I) to Iraqi Security Forces (ISF) would continue into the new year. Dr. Rubaie laid out only two options for Camp Ashraf residents (CAR): to either voluntarily return to their home country (primarily Iran) or resettlement in third countries. In no case would MEK members be allowed to remain in Iraq, although he emphasized that no resident would be forcibly deported. GOI'S ultimate goal for Camp Ashraf, according to Dr. al-Rubaie, is to close down the camp. MNF-I is considering recommending SECDEF issue a statement noting that the GOI is assuming responsibility for Camp Ashraf and that, as a result, the USG will discontinue its policy of treating the CAR as Protected Persons. As Washington deliberates whether to remove the MEK organization from the U.S. list of Foreign Terrorist Organizations (FTOs), the perspective from the Embassy is that the organization should not be delisted. The GOI released a press statement December 21 reiterating the GOI points. MEK supporters will likely launch a new and vigorous campaign protesting the GOI decision to not allow the CAR long-term residence in Iraq. END SUMMARY.

Prime Minister's Directive on MEK

¶13. (S) After months of prevarication, the GOI has finally taken decisive action on assuming responsibility for Camp Ashraf and its residents. In accordance with a Prime Ministerial Directive dated December 15, NSA Dr. Mowaffak al-Rubaie has been given full authority to "supervise the ending of the MEK terrorist organization's presence in Iraq." Specific duties of the NSA as declared in the directive effective December 15 are to:

-- Supervise and coordinate between the Iraq and the U.S. the transfer of security responsibility for Camp Ashraf from American to Iraqi forces.

-- Establish, in coordination with the ISF, appropriate mechanisms to ensure the flow of basic supplies to the

members of the organization during their temporary presence.

-- Coordinate the work of the relevant Iraqi ministries and offices to establish an appropriate plan to end the presence of the organization in Iraq and follow-up on the implementation of that plan.

14. (S) In accordance with the Directive and in coordination with Embassy Baghdad and Task Force-134 (TF134), Dr. al-Rubaie invited representatives from relevant ministries and his staff to meet with Camp Ashraf leaders December 20 to present the GOI position on Camp Ashraf to its residents. GOI representatives were:

-- Staff Major General (SMG) Alaa Salman Jassim, Ministry of Defense (MOD) Chief of Military Intelligence (MI)
-- Brigadier General (BG) Mehdi Jark Zair - Baghdad Operations Center
-- BG Shakir Hamid Abd - Iraqi National Intelligence Service
Q-- BG Shakir Hamid Abd - Iraqi National Intelligence Service
-- BG Nabeel Saeed - Ministry of Interior (MOI), Information and Investigation Agency
-- COL Uday Mohamed Jassim Mohammed - MOD Deputy Chief of MI
-- Dr. Salam Dawwod Jassi - Ministry of Displacement and Immigration
-- Ibrahim Jassim Mohamed - Ministry of Justice
-- Saad Kati' Dakhil - Ministry of Human Rights
-- Waad Zainal Salih - National Operations Center
-- Saeed Nima Jabir - National Security Council (NSC)
-- Zainal Abu - NSC
-- MAJ Haider Nasrat - NSC
-- Mohammed Amin Abbas - NSC
-- Ahmad Muzahim - NSC

Principal USG representatives present were:

BAGHDAD 00004006 002.2 OF 007

-- LTG Lloyd Austin - CG MNC-I
-- Michael Corbin - Pol-Mil MinCouns
-- MG Richard Barrons - DCG MNC-I
-- BG David Quantock - CG TF134/MNF-I DCG-Detainee Operations

Preparation Briefing for GOI Officials

15. (S) Prior to meeting with Camp Ashraf leadership, the GOI participants were briefed by the U.S. side on the current situation at the camp, after which LTG Austin noted that opportunists (either Shi'a, Sunni, or others) could take advantage of the situation and that all sides needed to work together for a smooth transition of security responsibility. LTG Austin and MinCouns stressed that the GOI must be mindful that the world is watching and that the GOI has provided assurances of humane treatment, and it must live up to its promises.

16. (S) During the preparatory briefing, Dr. al-Rubaie said the following:

-- "The GOI must put forth rules and regulations for the CAR; the nature of business has changed now that the GOI is taking full control of its sovereignty.

-- The CAR must understand that things are not the same as with the previous government or with the Coalition Forces (CF); they are dealing with a sovereign GOI.

-- The CAR will be treated humanely and the GOI will support their logistical and medical needs.

-- The GOI has provided assurances and will act in accordance with Iraqi, Islamic, and International Law.

-- The GOI believes the world's eyes are on them. This is

the new Iraq and the International Community wants to see how the GOI deals with situations like this.

-- The GOI must present to the CAR what the GOI wants and how things will work. The GOI wants assurances that they will cooperate with us.

-- The GOI's other expectations include that the CAR cease political activities, including production and transmitting of propaganda inside and from Iraq.

-- The Prime Minister wants the MOD and MOI to work together. The MOD will have external control and the MOI internal. They will work together, but MOD is in charge.

-- For the past five years there have been no security problems at Camp Ashraf. How would it look if there were security problems after the GOI takes over? Eyes are upon us. We have to be sensitive, especially during the early period of the security transition.

-- The MEK are undesirable in every way, but were inherited from the previous regime. The GOI needs to elevate itself to a higher standard until the problem goes away.

-- Understanding the prohibition on officially dealing with the CAR, SMG Alaa has been appointed by the GOI to talk on their behalf, especially with regard to logistical and medical support."

Joint Meeting

¶7. (S) The USG and GOI delegations then met with the Camp Ashraf leadership, during which Dr. al-Rubaie outlined the GOI position:

-- "The GOI has determined that its desired end state is the closure of Camp Ashraf and the voluntary departure of the residents either back to Iran or to third countries. (NOTE: No timeframe for either was set by al-Rubaie. END NOTE.) This will be accomplished based on the assurances the GOI presented to the USG. The GOI promises it'll deal with this problem with the highest level of humanity without causing additional suffering.

-- The GOI requires that the CAR cease all political activities, such as propaganda or political rallies, with the Iraqi people or tribes. This is considered unlawful. If Iraqi people or tribes. This is considered unlawful. If they continue, the CAR will be subject to Iraqi Law.

BAGHDAD 00004006 003.2 OF 007

-- The GOI will not deal with the MEK as an organization, but as individuals. Each male or female individual is responsible under Iraqi Law. At the same time, the Iraqi people and the GOI consider the MEK a terrorist organization.

It conducted operations in Iraq a long time ago. This is against Iraqi Law. There must not be any operations run in Iraq.

-- Prior to 2003, there was a deal between you and the previous government of Saddam Hussein. From April 9, 2003 until now you have had a deal with the CF and the USG. As of January 1, the relationship will reach a new phase. You will deal with the new sovereign GOI in charge. CF will help the GOI. Our friends will be with us to facilitate the transition.

-- The complete security transition will not happen right away - not months, but days - in order to reach full Iraqi responsibility for your protection from any threatening elements from the outside. (NOTE: Once again, no firm timeframe was set for the completion of the security

transition by Dr. al-Rubaie. END NOTE.)

-- Security will be totally a GOI responsibility, for which MOD has the lead with MOI in a supporting role. SMG Alaa Salman Jassim has been given charge of overseeing the transition from CF and the provision of support to the CAR. SMG Alaa will appoint a Liaison Officer as the main point-of-contact on site and will report to the NSA and a committee in Baghdad formed between the NSA, MOI, MOD, MOJ, MoHR and Immigration, which would meet twice-weekly. The 3/37/9 IA BN may now coordinate with CF/MEK under SMG Alaa's direction.

-- The Ministry of Displacement and Migration, MOI and MoHR will put forth a plan to communicate with other countries, including Iran. The CAR must decide whether to return to their home countries (primarily Iran) or elsewhere, if accepted. The GOI will not forcibly expel the CAR. (NOTE: Once again, no timeframe was established by Dr. al-Rubaie for the determination of the individuals' status. END NOTE.)

-- Visits to Camp Ashraf by foreign officials or international organizations (IOs) must be coordinated with the GOI. Visits by IOs to assist in repatriation or travel to other countries would be allowed, but visits by others would be determined on a case-by-case basis."

¶18. (S) Madame Mojgan Parsaie, the Chief Spokesperson for the CAR, showed considerable surprise not only by the level and size of the U.S. and GOI delegations, but also by the GOI delegation's message, which she described as "shocking." She responded as follows to Dr. al-Rubaie's presentation:

-- "You only gave us two options. To only have two options is illegal according to International Law."

-- These new goals are shocking. If it's a unilateral decision, there is no room for discussion. We've been suffering for five years."

-- To close the gate to Camp Ashraf, we can do so today, but to change the camp into a detention center - why then are we meeting?"

-- During 16 months of screening by U.S. agents from the FBI and the Departments of State, Defense and Homeland Security, none of the CAR were found to have ties to terrorism."

-- The UNHCR, Amnesty International, the European Parliament, the Council of Europe, and other IOs have all expressed their opinion that the transfer of security responsibility should not occur. You are acting based on pressure from the Iranian regime."

-- We know that Iraq is a government of laws. We have been Q-- We know that Iraq is a government of laws. We have been here for 23 years; our presence was not illegal. We came based on an agreement with the GOI. When governments change, the rights of those in the country do not change."

-- In order to discuss security, the CAR need to know their status. The CAR have not been given the chance to establish their status with the GOI."

¶19. (S) Dr. al-Rubaie responded to Madame Parsaie's comments firmly by noting:

-- "Let me assure you, we think that Iraq is our property.

BAGHDAD 00004006 004.2 OF 007

We do not allow others to share. We have full control of our country.

-- You must change your way of thinking - this is a new GOI.

-- There will be a step-by-step transition of security

responsibility from the CF to the GOI.

-- There is no discussion on this point - you are not refugees. Likewise, you are not the armed movement you were in the past. You must cooperate to get to a final determination starting now, either to your families in the countries you came from or to resettle other countries. Remaining in Iraq is not an option.

-- The decision to transfer security responsibility is not my decision; it is the Iraqi people's decision. This is our country. Iraq is the Iraqi people, those who chose the government and the Prime Minister. This is a decision of the Iraqi people and should be respected.

-- Your organization attacked the Islamic Government in Iran. Iraq is a democratic country and we are trying to build a friendly relationship with our neighbor - Iran. We don't want interference. To allow such interference will allow them to interfere in our business.

-- You said the MEK is not a terrorist organization. The GOI and Iraqi Law classify the MEK as a terrorist organization.

-- We have no intent to make Camp Ashraf a detention center. You are residents and you will stay residents until, with God's will, we reach a complete solution.

-- Even though we don't agree, there is a benefit from holding this meeting. We must work together to protect the CAR from outside threats. A smooth transfer of security responsibility is important.

-- We give you the same assurances that we gave to the USG. We will maintain your rights in accordance with Iraqi and International Law and Islamic culture. Our relationship is based on this.

-- As of today, we have authorized SMG Alaa to talk with you for coordination of medical and logistical assistance - water, food - anything else that is necessary.

-- The goal of coming to Camp Ashraf today was to try to assure you and make you feel comfortable, to put forth the GOI position, and to introduce the representatives of the ministries involved.

-- After the transfer, you will coordinate with the GOI vice the CF. This will be difficult at first, but after days, weeks, perhaps it will become easier.

-- We think we can get to the final goal of transferring 3400 people either home or to a third country."

Meeting with SMG Alaa

¶10. (S) After Dr. al-Rubaie and LTG Austin left the large group meeting, a follow-on meeting with CAR leadership was held, chaired by SMG Alaa. Important points clarified by SMG Alaa included:

-- "As soon as possible, we need to begin the process of transferring security responsibility. When CAR representatives leave the camp, it will be our responsibility to protect them. Everything the U.S. provides, we will provide. Until the end of the year, we will monitor how things progress and we will work jointly with the U.S. forces. Iraqi forces will take full responsibility as of January 1 and CF forces will transition to a supporting role. Iraqi forces will be in control, but we will always need the help and support of the CF.

-- We will make sure that nothing bad happens. There are many forces outside that don't want this to work. We will make sure there are no threats within 5 km of the camp.

-- Our hearts are with you. We understand your difficult position, but you must understand our problem. We urge you to work with us to relocate to Iran or somewhere else. It is your decision. In the meantime we will work with the U.S. side. We will work with our ministries to contact Iran and

BAGHDAD 00004006 005.2 OF 007

other countries. May the Lord help you and us."

U.S. / CAR Leadership Meeting

¶11. (S) During a follow-on meeting, MinCouns and CG TF134 reiterated points from previous visits about the means the transition would happen, and it is the U.S. position that with the end the UN mandate the GOI would assume control of Camp Ashraf. PMinCouns summed up the following points for the CAR leadership after the Iraqi delegation departed for lunch:

-- "We cannot determine CAR's status with the GOI. It is something for the CAR to negotiate with the GOI. No international law will allow the CAR to remain at Camp Ashraf against the wishes of the government.

-- The NSA put forth some very important points, to include: Iraq will live up to its promises internationally; the ISF will provide security at the same level as the U.S. has; Camp Ashraf will not become a detention center; and the basic needs of the CAR will be met.

-- Don't conduct political activity that would place the CAR in a poor position with the GOI."

¶12. (S) Madame Parsaie summed up her feelings as "shocked" and noted that the GOI had left them no options. She said the leadership would have to regroup before deciding how to move forward in cooperating with U.S. and Iraqi forces. USG representatives pressed Madame Parsaie to have a CAR representative begin coordination meetings with the ISF and U.S. sides. She apparently understood the urgency, but said the leadership would need to gather its thoughts based on the GOI position that had just been placed before them.

Termination of Protected Persons Status

¶13. (FOUO) MNF-I plans to consider raising the official termination of Protected Person Status with SECDEF. Although as a matter of law, protected person status no longer applies, the U.S., since the end of occupation, had continued to apply Fourth Geneva Convention (GC IV) protections to MEK members at Camp Ashraf as a matter of policy. Given the December 31, 2008 expiration of the United Nations mandate authorizing MNF-I, and given the January 1, 2009 entry into force of the bilateral security agreement between the U.S. and Iraq, the USG will no longer be in a position to continue to provide Protected Persons Status to the CAR. GC IV provides that protected persons retain their status and will benefit from the Convention through the time of their "release, repatriation or re-establishment." The USG will have re-established the CAR when it restores them to the same basic circumstances in which they were situated before the armed conflict - that is, living in Iraq under the sovereignty and responsibility of the GOI. That point will occur on January 1, 2009. MNF-I will recommend that a public statement be made noting that the GOI has taken over responsibility for Camp Ashraf and that MNF-I will not treat CAR as Protected Persons.

No Delisting of MEK

¶14. (FOUO) While Washington considers whether to keep the MEK organization on the U.S. FTO list, as the Embassy deals with the MEK at Camp Ashraf it is our view that for our dealings it is important that the organization remain listed. Delisting the MEK could hinder our cooperation with the GOI (which considers the MEK to be a terrorist organization) and would encourage the CAR to continue to stall the determination of their legal status in Iraq.

Public Statement by GOI

¶15. (FOUO) Dr. Al-Rubaie's office released a public statement December 21 recounting the meeting at Camp Ashraf and reiterating the GOI points on Camp Ashraf and the MEK. The statement, while a fair representation of the event and the GOI stance, will spur MEK supporters abroad to renew their campaigns against the transfer of security responsibility, plans to voluntarily repatriate CAR to Iran or transfer to

BAGHDAD 00004006 006.2 OF 007

third countries, and the plans to eventually close Camp Ashraf.

U.S. Media Plan

¶16. (FOUO) Embassy recommends the use of the following points in a broad-based public affairs campaign emphasizing USG handling of the Camp Ashraf issue and underlining GOI commitments to CAR. Request also that the Department ask Embassies in major European capitals to approach host governments at the appropriate level to deliver the following points:

-- The Government of Iraq announced on December 20 that it will assume security responsibility for Camp Ashraf and its residents as of January 1, 2009. This announcement comes in the context of the end of the UNSCR mandate for the Coalition Forces in Iraq .

-- The Camp Ashraf population represents an extremely sensitive issue for Iraq. This group, representing the MEK in Iraq, is considered by both the USG and the GOI as a terrorist organization. It was allowed to open Camp Ashraf by Saddam Hussein's regime. The U.S. took over security responsibility for the camp and its inhabitants after the invasion of Iraq in March, 2003.

-- The transfer of security responsibility from Coalition Forces to the Iraqi Security Forces has begun and will continue into 2009. U.S. Forces will remain at Camp Ashraf in a supporting and monitoring role.

-- The GOI has provided the USG written assurances of humane treatment of the Camp Ashraf residents in accordance with Iraq's Constitution, laws, and international obligations. To that end, the GOI has agreed to treat the residents humanely and not to transfer them to countries where they fear persecution on account of their political opinions or religious beliefs or where they face torture.

-- The GOI's ultimate goal is to repatriate those residents who wish to return to Iran or assist in the resettlement to third countries before closing Camp Ashraf. The GOI has stated that no Camp Ashraf resident will be forcibly transferred to countries where they fear persecution on account of their political opinions or religious beliefs or where they face torture.

-- Camp residents will be subject to Iraqi law and will be prohibited from conducting political activities in Iraq.

-- The USG, through its Embassy in Iraq and the military forces present under the new bilateral security agreement, will continue to work to ensure a smooth transition for the camp residents. The USG will work with appropriate international organizations, including UNHCR, to assist the camp residents in securing a safe future.

Questions:

Aren't the Camp residents entitled to "protected persons" status?

-- Following the invasion of Iraq in 2003, MEK members at Camp Ashraf laid down their arms to Coalition Forces. In June 2004, the Department of Defense designated members of the MEK who qualified under the Fourth Geneva Convention as "protected persons," confirming that the MEK were then civilians and non-combatants under the laws of war. Since that time, the U.S. has continued to provide protected persons status to the MEK as a matter of policy. The Iraqi Government, however, has announced it will assume full responsibility for the security of the Camp residents as of January 1, 2009. Because the MEK will be re-established in Iraq as of that date (i.e., living in Iraq under the sovereignty of the Iraqi government), the United States will discontinue its policy of according them protected persons status.

May the GOI lawfully "close" Camp Ashraf?

-- The GOI has no international legal obligation to continue to allow the residents to live together at Camp Ashraf. In closing Camp Ashraf, however, the GOI must continue treat the residents of Camp Ashraf humanely and must not transfer them to any state where they may face persecution for their political or religious beliefs or where they face torture.

BAGHDAD 00004006 007.2 OF 007

The GOI may seek to voluntarily resettle the MEK in their home states or in third states that may be willing to accept them.

The MEK is no longer a terrorist organization, why won't the GOI allow its members to remain in Iraq?

-- The U.S. designated the MEK a terrorist organization in 1997, and the U.S. continues to recognize the MEK as such. The new Government of Iraq also considers the MEK a terrorist organization. The organization has a troubled history in Iraq and is alleged to have been involved in activities with Saddam Hussein's forces against his own people.

-- The GOI also has said that it will not allow aliens who conduct political activities on its territory to remain in Iraq.

The Iraqi government will allow Iranian agents to persecute the CAR. How can the U.S. allow a humanitarian catastrophe to occur?

-- The Government of Iraq has committed publicly to guarantee the safety of the camp Ashraf residents. The Government has assigned well-trained professional soldiers to complete the same mission conducted by the Coalition forces over the last five years. The GOI is working with international organizations, including the ICRC and UNHCR, and seeks a humanitarian solution to allow the Camp residents to either return home or possibly be resettled in a third country. These organizations, plus the USG, will continue to monitor the status of the Camp Ashraf residents as the GOI fulfills its commitments.

Why can't the USG arrange for resettlement of the Camp Ashraf residents?

-- As members of a designated foreign terrorist organization, the Camp Ashraf residents do not qualify for refugee status. By law, the US cannot accept them as refugees. We will, however, continue working with the international community and the residents to find a solution to their situation.

COMMENTS

¶17. (S) The high-level meeting with the CAR shows that the GOI has finally come to terms with the situation and understands that it must move ahead with this precarious issue. While the GOI, namely the MOD, will assume overall security responsibility for Camp Ashraf come January 1, TF134 security forces would remain for an unspecified time in a supporting and monitoring role. Camp Ashraf leadership showed shock and dismay that they were not offered the right to stay in Iraq; previous GOI visitors, including the Minister of Human Rights, had said there may be possibilities to remain in Iraq. Nevertheless, although there was no agreement between the GOI and CAR sides, it appears as if the Camp Ashraf leadership did receive the message that the GOI will be in charge and they will have to cooperate and negotiate with the GOI for any possible concessions.

¶18. (S) The GOI has made clear it will not force CAR residents to go to any country and has said it will treat them humanely in Iraq. The Embassy has received diplomatic assurances from GOI to this effect that include the right to monitor and inspect. TF134 Military Police forces will work with professional Iraqi Army soldiers in place on a measured transition phase of at least 30 days after January 1. The GOI has full responsibility as of January 1 for the CAR until another country agrees to take them (likely a long process).

CROCKER